

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFRED LAM, et al.,

Plaintiff(s),

No. C 08-4702 PJH

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendant(s).

**ORDER VACATING DEFAULT,
APPROVING FILING OF SECOND
AMENDED COMPLAINT, AND
TERMINATING MOTION TO DISMISS**

Pursuant to the stipulations of the parties entered at the July 16, 2009 case management conference, the court orders as follows:

1. The default of individual defendants Diestel, Doyle, Fleck, Lewis, Nance, Radogno, Williams, and Young entered by the Clerk on June 29, 2009 (docket no. 58) is VACATED. The hearing on defendants' motion to set aside the default (docket no. 60) scheduled for August 26, 2009, is VACATED. However, as it is not clear from the docket that service has been perfected, the parties shall meet and confer after the second amended complaint is filed to attempt to resolve the service issues before any further motion attacking service is noticed for hearing.
2. Although plaintiffs have already filed one amended complaint as of right, as permitted by the federal rules, now that they have substituted in new counsel, a second amended complaint may be filed by July 30, 2009.
3. Defendants may answer or file a second motion to dismiss by August 12, 2009. Plaintiffs may thereafter oppose the motion by September 2, 2009.

1 Given defense counsel's travel plans, defendants may reply by September
2 23, 2009. The motion will be deemed submitted on the papers on that date
3 and the court will issue a written ruling.

- 4 4. Defendants' motion to dismiss the first amended complaint filed on May 19,
5 2009 (docket no. 46) is TERMINATED.
6 5. A further case management conference will be held on November 5, 2009, at
7 2:30 p.m. The parties shall meet and confer in advance of the conference
8 and submit a proposed pretrial schedule no later than October 29, 2009.

9 **IT IS SO ORDERED.**

10 Dated: July 22, 2009



11 PHYLLIS J. HAMILTON
12 United States District Judge